



Report Committee of Adjustment

Filing Date: December 2nd, 2024
Hearing Date: January 28th, 2025

File: A-2024-0445

Owner: Rupesh and Kerolben Patel
Applicant: Sukhdeep Bhangu

Address: 12 Windmill Blvd

Ward: Ward 4

Contact: Marina Shafagh, Planner I, Development

Recommendations:

That application A-2024-0445 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
 2. That the below grade entrance shall not be used to access an unregistered second unit;
 3. That drainage on adjacent properties are not impacted;
 4. That the existing fence used to screen the below grade entrance remain as provided, and not be removed or lowered, but may be repaired or replaced when necessary;
 5. That the Owner/Applicant remove the existing additional structures—the canopy over the stairway and the shed by the stairway—in accordance with the submitted sketch;
 6. That the applicant obtains a building permit for the below grade entrance within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official; and,
 7. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

Existing Zoning:

The property is zoned 'Residential Single Detached D - Special Section 2592 (R1D-2592)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a proposed exterior stairway leading to a below grade entrance in a required side yard, whereas the by-law does not permit exterior stairways constructed below established grade in the required exterior side yard; and
2. To permit an exterior side yard setback of 2.11 metres to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 4.5 metres.

Current Situation:

1. Maintains the General Intent and Purpose of the Official Plan

The property is designated 'Residential' in the Official Plan and 'Low Medium Density Residential' in the Fletcher's Creek South (Area 24).

The subject property is designated as 'Community Areas' (Schedule 1A – City Structure) and 'Neighbourhood' (Schedule 2 – Designations) in the Brampton Plan. On May 16th, 2024, the Region of Peel formally issued a notice of approval with modifications for the City of Brampton's new Official Plan, known as the 'Brampton Plan.' The Plan was scheduled to take effect on June 6th, 2024, except for any sections that may be subject to appeal. Schedules 1A and 2 have been appealed on a city-wide basis and therefore the 2006 Official Plan designations are in effect until the appeal is resolved.

The requested variances are not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

Variances 1 is requested to permit an exterior stairway leading to a below grade entrance in the required exterior side yard, whereas the by-law does not permit exterior stairways constructed below the established grade in the required exterior side yard. Variance 2 is requested to permit an exterior side yard setback of 2.11 metres to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 4.5 metres. The intent of the by-law in prohibiting below grade entrances in the exterior side yard and requiring minimum setback is to ensure that the location of the entrance does not negatively impact the aesthetic of the overall streetscape, and that sufficient space is maintained for drainage and access to the rear yard.

The existing location and configuration of the entrance is not considered to affect access to the rear yard. Access to the rear yard will be maintained on either side of the dwelling and property. Additionally, the side yard entrance is on private property and screened by an existing wooden privacy fence. A condition of approval is recommended that the existing fence used to screen the below grade entrance remain as provided, and not be removed or lowered, but may be repaired or replaced when necessary. Subject to the recommended conditions of approval, Variances 1 and 2 are considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variances are intended to facilitate the legalization of an existing below grade entrance located within a required exterior side yard which is intended to be used as a primary entrance to a second unit within the dwelling. A condition of approval is recommended that the below grade entrance not be used to access an unregistered second unit to ensure that any second unit is constructed in accordance with the Ontario Building Code. As the entrance is already constructed without a permit, that the applicant obtains a building permit for the below grade entrance within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official.

Subject to the recommended conditions, the requested variances are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances are intended to facilitate a below grade entrance to a secondary unit within the exterior side yard of a residential property. The location of the entrance does not present any concerns with regards to drainage for the subject property or adjacent properties, the visual impact on streetscape, and it maintains sufficient space to the rear yard. Subject to the recommended conditions of approval, the variances are considered to be minor in nature.

Respectfully Submitted,



Marina Shafagh
Planner I, Development

Appendix A

